

# **State of Alaska FY2003 Governor's Operating Budget**

## **Department of Transportation/Public Facilities Equal Employment and Civil Rights BRU/Component Budget Summary**

## **BRU/Component: Equal Employment and Civil Rights**

(There is only one component in this BRU. To reduce duplicate information, we did not print a separate BRU section.)

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### **Component Mission**

The mission of the Equal Employment and Civil Rights component is to enhance the operations of the Department through the promotion, monitoring and support of Title VI Programs such as the External Equal Employment Opportunity (ExEEO) Program, the Disadvantaged Business Enterprises (DBE) Program, and the On The Job Training (OJT) Program in the transportation construction industry.

### **Component Services Provided**

Staff is responsible for the following programs that have been developed and implemented in accordance with specific federal regulations:

- Three affirmative action programs (DBE, ExEEO, and OJT) which provide opportunities that otherwise would not normally exist within the construction arena. These programs apply to contractors and subcontractors working on USDOT-assisted projects.
- Two non-discrimination programs (Title VI of the Civil Rights Act of 1964 [Title VI] & Americans with Disabilities Act of 1990 [ADA]) which ensure equal treatment by the Department with respect to its dealings with the public in all phases of operation.
- Two support services programs which provide assistance to contractors and the public in understanding and participating in the DBE and OJT Programs.
- A contract compliance program that monitors, enforces contractor compliance, and assists with construction related affirmative action programs.

### **Component Goals and Strategies**

To preserve funding from USDOT by administering an effective Civil Rights program. This includes:

- Ensure that the department is in compliance with all federal and state laws, regulations, and policies governing ExEEO, DBE and OJT on highway and airport construction projects;
- Ensure departmental compliance with federal non-discrimination and equal employment obligations on USDOT-assisted design and construction projects.
- Ensure sub-recipient (local governments, non-profit organizations, etc) compliance with federal non-discrimination obligations on Federal Highway Administration (FHWA)-assisted projects.
- Work closely with the Department of Labor to implement programs to increase local hire on highway and airport construction located in remote communities.
- Efficiently and effectively use FHWA grant funding to train and employ rural residents on highway and airport projects.
- Continue to refine changes made to the DBE program in FY2001 to ensure efficient, fair and effective administration of the program.
- Develop new and more effective ways to help DBE firms succeed on USDOT-assisted design and construction projects.

### **Key Component Issues for FY2002 – 2003**

- Continue work with the Department of Labor to encourage local hire when viable and appropriate. New policy and procedures will need to be developed to better address local hire on USDOT-assisted construction in rural communities.

- The new DBE program has generated increased activity in the area of administrative appeals, reconsideration of construction bids and more detailed review of financial statements. This activity will require additional financial resources to competently implement. Additional legal and training expenses may be incurred as a result of these DBE program changes.
- New regulations are anticipated for airport concessionaires in FY 2003 and that additional departmental efforts are anticipated to implement these regulations.
- Due to continued minimal staffing, Civil Rights office must be closely monitored to ensure no disruption in service during the construction season. Changes in federal regulations will result in increased reporting, creation of a bidder's list, development of a Unified Certification Program in cooperation with other Alaska recipients of USDOT assistance, additional review of financial statements and the need for increased legal assistance.

### **Major Component Accomplishments in 2001**

Implemented a new initiative with an FHWA \$200,000 grant, in partnership with Alaska Department of Labor and Workforce Development Denali Training Fund, the US Department of Labor (ATELS) and the Alaska Native Council on Education and Training (ANCET), to increase Alaska Native rural employment on ADOT&PF projects by:

- Successfully training 39 St. Mary's area residents for CDL "B" licenses to work on St. Mary's Road project during 2001;
- Successfully training 72 Alaska Natives/American Indians for CDL "A" licenses to work on ADOT&PF projects statewide during FY 2001;
- Successfully training 43 Alaska Natives/American Indians as Operating Engineers to work on ADOT&PF projects statewide during FY 2001;
- Successfully training 5 Alaska Natives from the Y-K Delta area as Project Assistants to assist ADOT&PF Project Engineers on airport projects in the Y-K Delta area (4 were actually employed);
- Increasing the number of 645 trainee positions on ADOT&PF highway projects and for the first time creating trainee positions on airport projects to provide additional employment opportunities for rural residents; and
- Joining cooperative efforts with the Teamsters, Operating Engineers and Laborers to provide additional apprenticeship opportunities for ADFOT&PF project trainees.

The office also completed 3 EEO complaint investigations against ADOT&PF contractors

### **Statutory and Regulatory Authority**

- 49 CFR, Parts 21, 23 & 26
- 41 CFR, Part 60
- 23 CFR, Parts 200 & 230
- 29 CFR, Part 16.30
- 28 CFR, Part 35
- Section 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990

### **Key Performance Measures for FY2003**

#### **Measure:**

The percentage of required compliance reviews for responsiveness to disadvantaged business enterprise and on-the-job training contract requirements completed.

Sec 141(b)(4) Ch 90 SLA 2001(HB 250)

#### **Alaska's Target & Progress:**

14 reviews have been initiated of which 14 have been completed in FY2001. In FY2000, 13 were initiated and completed.

#### **Benchmark Comparisons:**

Equal Employment and Civil Rights is annually tasked by the Federal Highway Administration (FHWA) with completing 10 contract compliance reviews.

**Background and Strategies:**

The ADOT&PF Required Federal Contract Provisions form 25D55 stipulates the need for prime contractors working on USDOT-assisted projects to develop, disseminate and implement equal employment opportunity provisions for the prime contractor workforce and to pass this requirement on to its subcontractors. These requirements are based on federal regulations.

Annually, the Equal Employment and Civil Rights office reviews 10 prime contractors who cumulatively have the highest dollar values of contractors working on USDOT-assisted projects or those who have not previously been reviewed. The review consists of reviewing employment policies and strategies of the prime contractor and its subcontractors to ensure the employees are aware of the contractor's EEO policy and where to file complaints if there is a violation of those policies. Certified payrolls are reviewed to verify prime contractor payment reports made to the Equal Employment and Civil Rights office. When this office receives discrimination complaints, these are investigated in conjunction with a compliance review.

Contract compliance also includes reviewing a prime contractor's compliance with 49 CFR Part 26, as implemented through the department's federally approved DBE Program. This is to ensure the prime contractor provides DBE firms with the opportunities it has committed to as a condition of its contract with the department.

In accordance with 32 CFR Part 230.111, OJT requirements on FHWA projects are also reviewed during a prime contractor's contract compliance review. Larger FHWA assisted projects have OJT training goals assigned to the prime contractor to meet and ensure training opportunities are made available to minority and female applicants.

## Equal Employment and Civil Rights

## Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	474.8	520.5	590.9
72000 Travel	8.6	21.9	26.9
73000 Contractual	34.4	41.9	45.1
74000 Supplies	20.3	18.5	18.5
75000 Equipment	1.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>539.1</b>	<b>602.8</b>	<b>681.4</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	306.5	307.2	313.8
1007 Inter-Agency Receipts	2.0	2.0	2.0
1061 Capital Improvement Project Receipts	230.6	293.6	365.6
<b>Funding Totals</b>	<b>539.1</b>	<b>602.8</b>	<b>681.4</b>

## Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<b>Unrestricted Revenues</b>						
None.		0.0	0.0	0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>						
Interagency Receipts	51015	2.0	2.0	2.0	2.0	2.0
Capital Improvement Project Receipts	51200	230.6	293.6	293.6	365.6	365.6
<b>Restricted Total</b>		<b>232.6</b>	<b>295.6</b>	<b>295.6</b>	<b>367.6</b>	<b>367.6</b>
<b>Total Estimated Revenues</b>		<b>232.6</b>	<b>295.6</b>	<b>295.6</b>	<b>367.6</b>	<b>367.6</b>

## Equal Employment and Civil Rights

### Proposed Changes in Levels of Service for FY2003

Due to the selection of the ADOT&PF Civil Rights Office as the USDOT Unified Certification Program office for Alaska, we intend to add one additional Equal Employment Officer II position to facilitate the additional certification demands made by other USDOT recipients in the State of Alaska.

### Summary of Component Budget Changes

#### From FY2002 Authorized to FY2003 Governor

*All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2002 Authorized</b>	<b>307.2</b>	<b>0.0</b>	<b>295.6</b>	<b>602.8</b>
<b>Adjustments which will continue current level of service:</b>				
-Year 3 Labor Costs - Net Change from FY2002	6.6	0.0	7.0	13.6
<b>Proposed budget increases:</b>				
-Add EEO officer PFT to implement the Alaska Unified Certification Program	0.0	0.0	65.0	65.0
<b>FY2003 Governor</b>	<b>313.8</b>	<b>0.0</b>	<b>367.6</b>	<b>681.4</b>

## Equal Employment and Civil Rights

### Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	8	9	Annual Salaries	430,764
Part-time	1	1	COLA	9,833
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	163,234
			<i>Less 2.14% Vacancy Factor</i>	(12,931)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>9</b>	<b>10</b>	<b>Total Personal Services</b>	<b>590,900</b>

### Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Assistant	1	0	0	0	1
Administrative Clerk I	1	0	0	0	1
Engineering Assistant I	1	0	0	0	1
Engineering Assistant III	1	0	0	0	1
Equal Employ Officer II	2	0	0	0	2
Equal Employ Officer III	2	0	0	0	2
Statistical Technician II	1	0	0	0	1
Trans Planner II	1	0	0	0	1
<b>Totals</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>